

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANDREW JUDE THOMPSON,)
vs.)
Petitioner,)
ERIC FRANKLIN, Warden,)
vs.)
Respondent.)
) NO. CIV-10-1257-D

ORDER

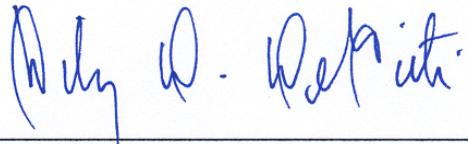
Petitioner, a state prisoner who is represented by counsel, brought this action seeking habeas corpus relief pursuant to 28 U. S. C. § 2254. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Valerie K. Couch for initial proceedings. On March 7, 2011, the Magistrate Judge filed a Report and Recommendation [Doc. No. 16] in which she recommended the action be dismissed without prejudice because Petitioner has not exhausted his state remedies.

In the Report and Recommendation, the Magistrate Judge advised the parties of the right to object to the findings and conclusions set forth therein; she also scheduled a March 28, 2011 deadline for filing written objections. In addition, the Magistrate Judge expressly cautioned the parties that a failure to timely file objections would constitute a waiver of the right to appellate review of the findings and conclusions set forth in the Report and Recommendation.

The March 28, 2011 deadline has expired. Petitioner did not file an objection to the Report and Recommendation, nor did he seek an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No. 16] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, this action is dismissed without prejudice for failure

to exhaust state remedies.

IT IS SO ORDERED this 18th day of April, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE